UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:10-cy-585-RJC-DCK

ANGELIQUE LANDRY,)	
Plaintiff,)	
v.)	
CITY OF CHARLOTTE, CHARLOTTE- MECKLENBURG POLICE DEPARTMENT,)	<u>ORDER</u>
RODNEY MONROE, M.L. RORIE, and	j	
MICHAEL LEE ROBERTS,)	
Defendants.)	

THIS MATTER comes before the Court upon Defendant Michael Lee Roberts's motion to dismiss (Doc. No. 19), and the Magistrate Judge's Memorandum & Recommendation ("M&R) recommending that the Motion to Dismiss be denied. (Doc. No. 20). Neither party filed objections to the M&R.

I. STANDARD OF REVIEW

The Federal Magistrate Act provides that "a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). "By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Similarly, de novo review is not required by the statute "when a party makes

general or conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations." <u>Orpiano v. Johnson</u>, 687 F.2d 44, 47 (4th Cir. 1982). Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. <u>Thomas v. Arn</u>, 474 U.S. 140, 149 (1985); <u>Camby</u>, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, the Court has reviewed the Magistrate Judge's M&R and the record accordingly.

II. FACTUAL BACKGROUND

Neither party objects to the findings of fact as set forth in the M&R; this Court therefore adopts the facts as set forth in the M&R for purposes of resolving these motions.

III. DISCUSSION

The Magistrate Judge properly found that the defendant's two-sentence "motion," which was not accompanied by a supporting brief, failed to meet the requirements of Local Rule 7.1(C). No objections were filed, and the Court thus adopts the M&R and the defendant's motion to dismiss is **DENIED** without prejudice.

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that:

- 1. The M&R (Doc. No. 20) is adopted.
- Defendant Michael Lee Roberts's Motion to Dismiss Complaint (Doc. No. 19) is
 DENIED without prejudice. Signed: September 21, 2011

Robert J. Conrad, Jr.

Chief United States District Judge